IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5628 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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LAXMI VISHNU SILK MILLS

Versus

G E B

Appearance:

1. Special Civil Application No. 5628 of 1985
MR RP BHATT for Petitioner No. 1
NOTICE SERVED for Respondent No. 1,3
MR MD PANDYA for Respondent No. 2
MR ND GOHIL, AGP for Respondent No. 4-5

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 18/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE RAVI R.TRIPATHI)

#. The present petition is filed challenging the provisions of Section 3 & 6A of the Bombay Electricity (Special Powers) Act, 1946.

#. On 13th October, 1985, this Court passed an order which reads as under:

> "Notice to the respondents No.1 & 2 returnable on 15.10.85. In the meantime on petitioner's undertaking to this Court that if any apology is to be given or any conditions including those re. payment are required to be abided by, they will abide by the same, I order the resp.No.2 restore supply forthwith. (This order is passed in the interests of workmen)"

#. Affidavit-in-reply to this petition is filed by Shri Ravidutt S.Sharma, Dy.Engineer, G.E.B., Udhna, wherein it is stated in paragraph-32 that the petitioner had an alternative to tender apology and to obtain the approval of the State Government for re-connection of the supply but instead has chosen to invoke jurisdiction or ordinary civil court as also extra ordinary jurisdiction of Hon'ble High Court and as such, the petition otherwise also deserves to be dismissed.

#. The learned counsel appearing for the petitioner has no instructions from the petitioner. In view of this fact and in view of the averments made in the affidavit-in-reply, the present petition is dismissed. However, in case of difficulty, the petitioner can always approach the State Government as mentioned in the affidavit-in-reply. Rule is discharged. Interim relief earlier granted stands vacated. No order as to costs.

(D.M.Dharmadhikari, C.J.)

(Ravi R.Tripathi, J.)

(sunil)